

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADMIR CUTURIC,

:
Plaintiff,

:
- against -

THE JADE FARM LLC, et al.,

:
Defendants.

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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 12/16/2020

20-CV-3363 (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This Order resolves discovery disputes raised by the parties in letter motions at Dkt. 33-35. The requests for a conference are denied as unnecessary in light of the rulings below.

Plaintiff's Requests

1. By **December 30, 2020**, Defendants shall produce all remaining responsive, non-privileged documents within their possession, custody, or control located after a reasonable search with respect to RFP Nos. 1, 5, 9-19, 21, 23-27, 36.
2. Defendants shall expeditiously attempt to obtain pay and time records from its third-party vendor. By **December 30, 2020**, Defendants shall inform Plaintiff whether and to what extent Defendants have been successful in obtaining the records. To the extent Defendants are unable to obtain such records after making good-faith reasonable efforts, any party may attempt to obtain such records from the third-party by subpoena.

3. Defendants must produce the full text of any non-privileged communications responsive to RFP Nos. 18-19. (To be clear, Defendants need not produce privileged portions of any such communications.)

4. By **December 30, 2020**, Defendants shall produce all documents in their possession, custody, or control located after a reasonable search evidencing that a flood destroyed original wage notices and other responsive documents.

5. By **December 30, 2020**, Defendants shall answer (a) Interrogatory 1 to the extent of identifying any person who provided factual information responsive to the other interrogatories; and (b) Interrogatory 9. Defendants need not answer Interrogatory 8 so long as they produce any such documents that are in their possession, custody, or control, not privileged, and are located after a reasonable search.

Defendants' Requests

1. By **December 30, 2020**, Plaintiff shall answer Interrogatories 11, 12, 13, 15. Plaintiff need not answer Interrogatories 10, 14, 16 as they are overbroad, not-proportional, and any relevant information encompassed by the requests can be more efficiently obtained through other means of discovery.

2. Defendants' request to increase the number of interrogatories beyond the number permitted by Local Rule 33 is denied.

3. Defendants' request for HIPAA releases is denied without prejudice as Plaintiff has agreed to obtain and produce medical records related to his ankle injury. Plaintiff shall expeditiously proceed to do so. Plaintiff shall identify to Defendants any medical provider whom Plaintiff saw concerning his ankle but from whom Plaintiff could not obtain records, at which point Defendants may renew their request for a HIPAA

release. To the extent Plaintiff is unable to obtain responsive records, Defendants may renew their request for appropriately limited HIPAA authorizations.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: December 16, 2020
New York, New York

Copies transmitted this date to all counsel of record.